

IN THE UNITED STATES
DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JENENE MCCLANAHAN)
Plaintiff,)
v.) Case No. 4:15-CV-00184
MEDICAL COMMERCIAL AUDIT, INC.)
d/b/a MCA MANAGEMENT COMPANY)
Defendant.)
Serve Defendant at:)
John Hornug)
2835A High Ridge Boulevard) JURY TRIAL DEMANDED
High Ridge, Missouri 63049)

COMPLAINT

COMES NOW, Plaintiff, and for her Complaint states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d) because the illicit collection activity was directed at Plaintiff in Saint Louis City, Missouri.

PARTIES

4. Plaintiff is a natural person currently residing in House Springs, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

5. Defendant is a collection agency with its principal place of business in High Ridge, Missouri. The principal business purpose of Defendant is the collection of debts in Missouri and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. § 1692a (6).

FACTS

7. On or about January 9, 2015, Plaintiff received a dunning letter from Defendant attempting to collect a debt owed to Public Water Supply District #8 in the amount of \$72.75.

8. Plaintiff filed for bankruptcy protection on June 10, 2014.

9. Plaintiff's Petition for Bankruptcy was filed in the Eastern District of Missouri and was assigned Case No. 14-44686.

10. The debt at issue was included on Schedule F of Plaintiff's Chapter 7 Bankruptcy Plan.

11. The creditor was listed and received notice of Plaintiff's bankruptcy.

12. Plaintiff was granted a discharge by the Eastern District of Missouri Bankruptcy Court on October 2, 2014.

13. Defendant had no legal authority to continue collection activity once a consumer has filed for bankruptcy protection.

14. Sending dunning letters in an attempt to collect a debt constitutes collection activity.

15. Defendant's activity has caused damage to Plaintiff's credit report and has, in part, prevented Plaintiff from getting a "fresh start" following his bankruptcy discharge.

COUNT I: VIOLATIONS OF THE FDCPA

16. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

17. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 et. seq., including, but not limited to, the following:

a. Engaging in conduct the natural consequence of which was to harass, oppress or abuse Plaintiff. 15 U.S.C. § 1692d.

b. Using false, deceptive, or misleading representation or means in connection with the debt collection. 15 U.S.C. § 1692e and e(10).

c. Taking action that cannot legally be taken by attempting to collect a debt enrolled in bankruptcy protection. 15 U.S.C. § 1692e(5).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;

- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

THE EASON LAW FIRM, LLC

s/ James W. Eason

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